IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.Rev.Pet.No. 1119 of 2000()

CRA.128/1998 of SESSIONS COURT, PALAKKAD
ST.425/1995 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD
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REVN. PETITIONERS/APPELLANTS/ACCUSED:

1.ANDAVAN ALIAS KANNAN,S/O.ARUMUGHAN.

2.RADHAKRISHNAN,S/O.KESAVAN.

BOTH ARE RESIDING AT THAMBATTI VEEDU,YAKKARA, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS/RESPONDENTS/COMPLAINANT:

1.THE STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2.THE SUB INSPECTOR OF POLICE, TOWN SOUTH POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Criminal R.P.No.1119 OF 2000 (A)

Dated this the 26th day of September, 2007

O R D E R

Revision petitioners were convicted and sentenced to undergo Simple Imprisonment for 15 days under Section 51(a) of the Kerala Police Act and also sentenced to pay a fine of Rs.50/-. The appellate court confirmed the same. The allegation was that on 15.2.1995, at 9.45 p.m., the accused were found drunk and incapable of taking care of themselves, inside the bus having registration No.KL-150989 at K.S.R.T.C. Bus stand, Palakkad. The petitioners have also uttered obscene words and behaved in a disorderly manner and thereby committed offence punishable under Section 51(a) of the Kerala Police Act. Evidence of PW1 shows that he issued Exts.P1 and P2 drunkenness certificates regarding the revision petitioners. PWs.2 and 3 are the Police officers. I see no ground to interfere in the concurrent findings of conviction under Section 51(a). However, considering the nature of offence, time of offence and the minimum sentence possible

under Section 51(a), I modify the sentence. Instead of imprisonment, both accused are sentenced to pay a fine of Rs.50/- each and in default of payment, they shall suffer imprisonment for one week. Revision petition is allowed partly modifying the sentence and confirming the conviction.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.R.P.1119 OF 2000

O R D E R

26th September, 2007